

with a statement of the reason for such return. An employer, holding a certificate of compliance under an insurance policy which has currently expired, pending the renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly

replaced. An employer who has secured renewal of insurance upon the expiration of a policy under said act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.

SUBCHAPTER F—COMPENSATION FOR INJURY, DISABILITY, DEATH, OR ENEMY DETENTION OF EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES

PART 61—GENERAL ADMINISTRATIVE PROVISIONS

- | | |
|-------|------------------------------------------------------------------------------------------------|
| Sec. | |
| 61.1 | General provisions; definitions. |
| 61.2 | Deductions from benefits; exclusions. |
| 61.3 | Limitations upon benefits. |
| 61.4 | Employee's notice of injury and claim. |
| 61.5 | Claim for death benefits. |
| 61.6 | Claim for detention benefits. |
| 61.7 | Cooperative arrangements; reports of injury, death, and detention. |
| 61.8 | Filing of reports of injury and death. |
| 61.9 | Claim filing, processing, and adjudications. |
| 61.10 | Delegation of powers and duties. |
| 61.11 | Reports by employees and dependents. |
| 61.12 | Furnishing of medical treatment. |
| 61.13 | Medical forms. |
| 61.14 | Transportation of recovered bodies of missing persons. |
| 61.15 | Burial expenses. |
| 61.16 | Persons authorized to provide preparation of body, transportation and burial expenses. |
| 61.17 | Transportation of persons released from detention and return of employees. |
| 61.18 | Confidential nature of records and papers relating to injury, death or detention of employees. |
| 61.19 | Inspection of records by interested party. |
| 61.20 | Approval of claims for legal and other services. |
| 61.21 | Assignments; creditors. |
| 61.22 | Contracts for service facilities of insurance carriers. |

AUTHORITY: The provisions of this Part 61 issued under sec. 32, 39 Stat. 749, sec. 106, 56 Stat. 1033; 5 U.S.C. 8146, 8149, 42 U.S.C. 1706, unless otherwise noted.

SOURCE: The provisions of this Part 61 appear at 8 F.R. 5296, Apr. 22, 1943, unless otherwise noted.

§ 61.1 General provisions; definitions.

(a) The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, United States Department of Labor. The said Bureau is the agency which was transferred from

the Federal Security Agency to the United States Department of Labor by Reorganization Plan No. 19 of 1950 (3 CFR, 1949-1953 Comp., p. 1010; 64 Stat. 1271) effective May 24, 1950, the said Bureau having been established in the Federal Security Agency to perform the functions theretofore performed by the United States Employees' Compensation Commission, the latter having been abolished and its functions transferred to the Federal Security Agency by Reorganization Plan No. 2 of 1946 (3 CFR, 1943-1948 Comp., p. 1064; 60 Stat. 1095), effective July 16, 1946. The Bureau is charged with the administration of Public Law No. 784, 77th Congress, entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942. This act, in Title I, provides compensation for injury or death proximately resulting from a war-risk hazard, with respect to the following categories of employees:

(1) Any person employed by a contractor with the United States, if such person is an employee specified in the act of August 16, 1941 (Public Law 208, 77th Congress), as amended, and no compensation is payable with respect to injury or death under such act.

(2) Any person engaged by the United States under a contract for his personal services outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(3) Any person employed as a civilian employee of a post-exchange or ship-service store outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

Compensation and other benefits under such act are provided with respect to injury or death proximately resulting from a war-risk hazard, as defined

by the act (see paragraph (c) of this section), whether or not the person was at time of injury engaged in the course of his employment. The purpose intended by such act is to provide continuous 24 hour compensation protection with respect to injuries caused by war hazards, except as to certain employees referred to in § 61.2 (a). Such protection is accomplished by making applicable to such persons the provisions of the act providing compensation for civil employees of the United States, approved September 7, 1916, as amended, except that in determining compensation for disability, the scale of compensation benefits and computation of benefits and the wage base thereof shall be made in accordance with the provisions of sections 6, 8, and 10 of the Longshoremen's and Harbor Workers' Compensation Act, and except that in determining compensation for death, the classes of beneficiaries and the computation of compensation, including the wage basis and payment thereof shall be made in accordance with sections 9 and 10 of such Longshoremen's Act. Where terms relating to beneficiaries used in such section 9 of the Longshoremen's and Harbor Workers' Compensation Act are defined in section 2 of such Longshoremen's Act, such definitions shall apply. Total compensation payable for injury or death may not exceed the limitations specified in section 14 (m) of the Longshoremen's Act as such section may be amended from time to time except as hereinafter set forth in this paragraph. Any amendment to the Longshoremen's Act, the effect of which is to increase the amount of benefits payable for injury or death, shall be applied in the administration of benefits payable under this subchapter as if the amendment had been in effect at the time of occurrence of the particular injury or death, and the compensation (except funeral and burial expenses) in any case determined prior to such amendment shall be adjusted accordingly in respect to the beneficiaries entitled thereto under this subchapter. Any amendment to the Longshoremen's Act, the effect of which is to decrease the amount of benefits payable for injury or death shall not be applied in the administration of benefits payable under this subchapter if such amendment should reduce the aggregate amount of compensation payable to less than \$7,500 in case of disability or less than \$7,500 in case of death. Any such max-

imum limitation of compensation payable shall be exclusive of medical costs and funeral and burial expenses. Medical treatment and care will be furnished under applicable sections of such act of September 7, 1916, as amended, and not under section 7 of such Longshoremen's Act.

(b) Under the provisions of such Public Law No. 784, 77th Congress, approved December 2, 1942, if any person within any category specified in paragraph (a) of this section:

(1) Is found to be missing from his place of employment, whether or not such person then actually was engaged in the course of his employment, under circumstances supporting an inference that his absence is due to the belligerent action of an enemy; or

(2) Is known to have been taken by an enemy as prisoner, hostage, or otherwise; or

(3) Is not returned to his home or to the place where he was employed, by reason of the failure of the United States or its contractor to furnish transportation;

until such time as he is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States, such person shall be regarded, for the purpose of paying benefits for detention, as totally disabled. The same benefits as are provided for total disability under the provisions of paragraph (a) of this section shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred. A part of such compensation for total disability, accruing to such person, may be disbursed during the period of such absence to the dependents of such person, if such dependents reside in the United States or its territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and in the Philippine Islands). In determining the monthly benefits which may be paid from the accrued compensation for total disability, credited to the account of such person, the provisions of section 9 of the Longshoremen's and Harbor Workers' Compensation Act shall apply, including the designation of classes of beneficiaries and percentages of the missing person's average wages,

as therein provided. The monthly benefits payable to a dependent from funds accrued to the account of the missing person, shall be in the same amount as would otherwise be payable for the death of such person, as provided by such Longshoremen's Act.

Under the provisions of the act of December 23, 1943 (Public Law 216, 78th Congress, 57 Stat. 626, 42 U. S. C. 1701 (b)) the amount of benefits credited to the account of a person who falls within subparagraphs (1) or (2) of this paragraph, for purposes of this paragraph only, shall be one hundred percent of the average weekly wages of such person subject, however, to other limitations specified in such act; seventy percent of the average weekly wages of such person shall be paid to his dependent or dependents irrespective of the limitations in sections 9 of the Longshoremen's and Harbor Workers' Compensation Act, but subject to other limitations in the act of December 23, 1943, concerning distribution and disbursement to dependents. In all cases falling within subparagraphs (1) and (2) of this paragraph, benefits for detention shall accrue from January 1, 1942, unless the beginning of the absence occurred upon a later date, in which event benefits accrue from such later date.

(c) As used in this subchapter:

(1) The term "Bureau" means the Bureau of Employees' Compensation, United States Department of Labor.

(2) The term "contractor with the United States" includes any subcontractor or subordinate subcontractor with respect to the contract of such contractor.

(3) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to the end of the present war from:

(i) The discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(ii) Action of the enemy, including rebellion or insurrection against the United States or any of its allies; or

(iii) The discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture, or processing

thereof, or while stored on the premises of the manufacturer or processor); or

(iv) The collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(v) The operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

(4) The term "injury" means injury resulting from a war-risk hazard, as defined in this section, whether or not such injury occurred in the course of the person's employment, and includes any disease proximately resulting from such cause.

(5) The term "death" means death proximately caused by injury, as defined in this section.

(6) The terms "compensation", "physician" and "medical, surgical, and hospital services and supplies" shall be construed and applied as defined in such act of September 7, 1916, as amended.

(7) The terms "disability", "wages", "child", "grandchild", "brother", "sister", "parent", "widow", "widower", "adoption" or "adopted", shall be construed and applied as defined in such Longshoremen's and Harbor Workers' Compensation Act, as amended.

(d) The regulations in Part 1 of this chapter shall not apply under this subchapter, unless made applicable specifically, by reference in this part.

(1950 Reorg. Plan No. 19, § 1, 3 CFR, 1949-1953 Comp., p. 1010; 64 Stat. 1271) [8 F.R. 5296, Apr. 22, 1943, as amended at 16 F.R. 2933, Apr. 4, 1951; 25 F.R. 10795, Nov. 15, 1960]

§ 61.2 Deductions from benefits; exclusions.

(a) The provisions of Title I of such Public Law No. 784, 77th Congress, approved December 2, 1941 (relating to compensation benefits and for injury, death or enemy detention) shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place of his employment, and (2) who is not living there solely by virtue of the exigencies of his employment, unless his injury or death resulting from injury occurs, or his detention begins, while in the course of his employment.

(b) No payment of benefits to any person within any category specified in § 61.1 (a), or to the dependent of such person, on account of absence as therein specified, shall be made during any period such person or dependent, respectively,

has received, or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the period claimed. Every person or dependent filing a claim for benefits on account of such absence or detention under Title I of such Public Law shall state whether or not he has claimed, recovered, or is receiving any payments whatsoever on account of such absence or detention, setting forth the source or sources of such payments, the weekly rate of payment, the period or periods during which such payments have been received, and the place where any claim therefor was filed.

(c) No benefits shall be paid or furnished under the provisions of Title I of such Public Law, that is, no compensation benefits for injury or death, or payment of accrued compensation for total disability to such persons or their dependents on account of such absence or detention, to any person who recovers or receives workmen's compensation benefits for the same injury or death under any law (other than such Title I) of the United States, or under the law of any State, Territory, possession, foreign country, or other jurisdiction, or benefits in the nature of workmen's compensation benefits payable under an agreement approved or authorized by the United States pursuant to which a contractor with the United States has undertaken to provide such benefits. Every person or dependent claiming benefits for injury, death, or detention under Title I of such Public Law shall state whether or not he has claimed, recovered, or is receiving any payments whatsoever under any workmen's compensation law, or under any agreement providing benefits in the nature of workmen's compensation benefits, on account of the same injury or death for which benefits are sought in his claim under Title I of such Public Law, setting forth in such claim the place where such other claim was filed, and the amounts of payments received, together with such information as may be necessary to identify (1) the agreement under which payments are made, or (2) the jurisdiction under the law of which such payments are made.

(d) Where any person specified in section 101 (a), Title I of such Public Law (and in § 61.1 (a)), or the dependent, beneficiary, or allottee of such person, receives or claims wages, payments

in lieu of wages, insurance benefits for disability or loss of life (other than workmen's compensation benefits), and the cost of such wages, payments, or benefits is provided in whole or in part by the United States, the amount of such wages, payments, or benefits shall be credited, in such manner as the Bureau shall determine, against any payments to which any such person may be found entitled under such Title I of such Public Law. Every person or dependent claiming benefits for injury, death or detention under such Title I shall state whether or not he has claimed, recovered, received or is receiving any such wages, payments, or benefits, setting forth the source of such payments, the weekly amount of payment, the total sum received, and the period covered by all payments received. Credits shall be applied under this subparagraph only where the wages, payments, or benefits received are items with respect to which the contractor with the United States is entitled to reimbursement by the United States, or where they are otherwise reimbursable by the United States.

(e) Where a national of a foreign government is entitled to benefits on account of injury or death resulting from a war-risk hazard, under the laws of his native country or any other foreign country, the benefits provided under such Title I of such Public Law shall not apply. Every person or dependent claiming benefits for injury, death, or detention, under such Title I shall state in his claim thereunder the name of the country of which he is a national, and whether or not he has claimed, received, or is receiving, or is entitled to, any benefits on account of the same injury or death under the laws of the country of which he is a national, or of any other foreign country, and where such claim has been filed, or may be filed.

(f) Persons convicted in a court of competent jurisdiction of any subversive act against the United States or any of its allies, committed after the declaration of the President on May 27, 1941, of the national emergency, shall not, nor shall their beneficiaries, be entitled to any benefits under Title I of such Public Law. As provided in such Public Law, any person charged with the commission of such subversive act shall have his compensation or other benefits suspended until such charge is disposed of, forfeiting such compensation or benefits if convicted or dying

prior to such disposition, with removal of forfeiture upon withdrawal or acquittal of such charge. Every person filing claim under Title I of such Public Law shall state whether or not he has been charged with such offense and the disposition of any such charge.

(g) Compensation for disability under this subchapter, except under allowances for scheduled losses of members or functions of the body, shall not be paid in any case in respect to any period of time during which benefits for detention may accrue under this subchapter in the same case.

[8 F.R. 5296, Apr. 22, 1943, as amended at 16 F.R. 2933, Apr. 4, 1951]

§ 61.3 Limitations upon benefits.

(a) Compensation for permanent total or permanent partial disability or for death payable under Title I of such Public Law to persons who are not citizens of the United States and who are not residents of the United States or Canada, shall be in the same amount as provided for residents; except that dependents in any foreign country shall be limited to surviving wife or husband and child or children, or if there be no surviving wife or husband or child or children, to surviving father or mother whom such person has supported, either wholly or in part, for the period of one year immediately prior to the date of the injury; and except that the Bureau, at its option, may commute all future installments of compensation to be paid to such persons by paying to them one-half of the commuted amount of such future installments of compensation as determined by the Bureau. Persons coming within the foregoing provisions, claiming disability benefits, who have left an unrelinquished residence in the United States or Canada to engage in employment within the purview of section 101 (a) of Title I of such Public Law, and who signify an intention to return to such residence, will be regarded as residents of the place at which they had their last permanent residence. The foregoing provisions do not apply to dependents claiming benefits for detention under section 101 (b) of such Public Law; the rights of such dependents are determinable under such section.

(b) In determining benefits for disability or death (including payments to dependents on account of enemy detention), as provided in section 101 of such Public Law, the minimum limit upon

weekly compensation for disability and the minimum limit on the average weekly wages on which death benefits are to be computed, as fixed in section 6 (b) and section 9 (e) of such Longshoremen's and Harbor Workers' Compensation Act, shall not apply.

(c) If at the time a person sustains an injury coming within the purview of Title I of such Public Law, such person is receiving workmen's compensation benefits on account of a prior accident or disease, said person shall not be entitled to any benefits under such Title during the period covered by such workmen's compensation benefits unless the injury from a war-risk hazard increases his disability, and then only to the extent such disability has been so increased. Every person claiming benefits under such Title I shall state whether or not he is receiving or is entitled to receive workmen's compensation benefits from any source for the same condition or cause of disability as to which such claim relates, setting forth a sufficient reference to such other workmen's compensation law, the nature of the disability for which compensation is paid or payable, the amount of weekly compensation for such disability, and the name of the employer or insurance carrier obligated to him under such other law. This provision is applicable only to disability resulting jointly from two unrelated causes, namely, (1) prior industrial accident or disease, and (2) injury from a war-risk hazard.

§ 61.4 Employee's notice of injury and claim.

(a) To facilitate compliance with the provisions of sections 15 to 20, inclusive, of such act of September 7, 1916, as amended and modified, notice of injury and claim for compensation for disability payable under Title I of such Public Law may be given simultaneously, whether or not actual or compensable disability exists at time of filing. The Bureau has provided a combined notice of injury and claim form (sworn to by claimant) to be used for such purpose, but no injured person's rights shall be prejudiced because of failure to use such form, provided such person files written notice of injury and claim in other sufficient manner, containing all material facts showing his right under such Title I.

(b) Whenever the Bureau shall find that, because of circumstances beyond

the control of an injured person, compliance with the limitation provisions of sections 15 to 20, inclusive, of such act of September 7, 1916, as amended, could not have been accomplished within the time therein specified, the Bureau, in its discretion, may waive such limitation provisions.

§ 61.5 Claim for death benefits.

(a) For the purpose of compliance with the provisions of sections 18 to 20, inclusive, of such act of September 7, 1916, as amended and modified, claim for compensation for death payable under Title I of such Public Law shall be filed. The Bureau has provided appropriate forms for such purpose (to be sworn to), applicable to the various classes of beneficiaries as specified in such Longshoremen's and Harbor Workers' Compensation Act, made applicable by such Title I, but the rights of a beneficiary shall not be prejudiced because of failure to use such form, provided such beneficiary files claim for such compensation in other sufficient manner, containing all material facts showing a right to benefits under such Title I.

(b) Whenever the Bureau shall find that, because of circumstances beyond the control of such beneficiary, compliance with the limitation provisions of sections 18 to 20, inclusive, of such act of September 7, 1916, as amended, could not have been accomplished within the time therein specified, the Bureau, in its discretion, may waive such limitation provisions.

§ 61.6 Claim for detention benefits.

(a) Pursuant to section 101(b) (1) of Title I of such Public Law, a claim for detention benefits, as provided under such section, is required to be filed by dependents and others entitled thereto. The bureau has provided appropriate forms for such purpose (to be sworn to), applicable to missing persons, and to the several classes of dependents as specified in such Longshoremen's and Harbor Workers' Compensation Act, made applicable by such Title I, but the rights of a beneficiary shall not be prejudiced because of failure to use such form, provided such dependent files claim for such detention benefits in other sufficient manner. The dependent in such case, if an award is made, will be paid detention benefits from the amount accruing as compensation for total disability which

has been credited to the account of the missing person relating to such dependent.

(b) In order to establish the amount of compensation for total disability, to be credited to the account of a person missing as specified in section 101 (b), Title I, of such Public Law, as the amount available for payments to dependents (the balance thereof to be payable to such person upon his return from such absence), the Bureau shall make such inquiry and investigation with respect to the status of such missing person as the circumstances of his case shall require, and thereafter shall determine his status. A determination that an individual has been detained by the enemy may be made on the basis that he has disappeared under circumstances such as to make such detention appear probable. In making such determination the Bureau will consider the information and the conclusion of the Department or agency of the United States having knowledge of the circumstances surrounding the absence of such missing person, as prima facie evidence of the status of such person. Dependents making claim for such detention benefits may be required to submit all evidence available to them relative to the employment status of the missing person and to the circumstances of such absence. The filing of the prescribed notice of injury, claim for compensation for total disability, and forms relating to disability compensation, shall not be required in the cases of missing persons, either on their behalf or by dependents seeking such detention benefits. Administrative determination shall establish the presumptive status of total disability of such missing persons, which shall continue during the period of such absence, or until death is in fact established or can be legally presumed to have occurred. A dependent having knowledge of a change of status of such missing person shall promptly inform the Bureau in writing of such change. The Bureau should be advised in writing, immediately, by such dependent (or on return, by the person who has been absent) if such person is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States.

(c) In determining the amount of compensation for total disability which shall accrue to the account of missing persons, for the purpose of paying a part thereof to dependents, the provisions in

Title I of such Public Law requiring denial of benefits, deductions, or adjustments (because of receipt of or entitlement to other payments from the United States, directly or indirectly) shall, whenever practicable and equitable, be applied, respectively, (1) to dependents' claims, or (2) to claims by persons returned from such absence who seek payment of the balance of any compensation not disbursed to dependents; that is, whenever practicable and equitable, denial of benefits, deductions and adjustments which are directly applicable to dependents shall be taken into account in adjusting their claims for detention benefits (without regard to such other denials, deductions and adjustments as may directly affect the missing person's right to such compensation), and upon filing of a claim by a person, returned from such absence, for the balance of compensation accrued to his account, only such denials, deductions and adjustments directly affecting his right to compensation will be taken into account.

(d) A claim shall be filed by a person, returned from absence as specified in section 101 (b) of Title I of such Public Law, for the detention benefits accrued to his account. The Bureau has provided an appropriate form for such purpose, which may be had upon application to the Bureau.

(e) Whenever the Bureau shall find that, because of circumstances beyond the control of a dependent or other person entitled to detention benefits under this section, compliance with the time limitation provisions of such act of September 7, 1916, as amended, could not have been accomplished within such time as is therein specified for the filing of claims, the Bureau, in its discretion, may waive such limitation provisions. (Sec. 101 (b) (1), 56 Stat. 1028, as amended; 42 U. S. C. 1701)

§ 61.7 Cooperative arrangements; reports of injury, death, and detention.

(a) In order that the Bureau may have fullest available information with respect to cases involving injury, death, and detention, for which benefits may be paid or provided under Title I of such Public Law, and otherwise to facilitate administration, the Bureau is authorized to enter into agreements or cooperative working arrangements with other agencies of the United States or of any State (including the District of Columbia,

Hawaii, Alaska, Puerto Rico, and the Virgin Islands) or political subdivisions thereof, and with other public agencies and private persons, agencies, or institutions, within and without the United States. To the extent that Departments and agencies of the United States, Government contractors, insurance carriers, and others, and the representatives of such, voluntarily cooperate with the Bureau and its representatives by supplying necessary information for the adjustment of claims and otherwise furnish assistance, the formalizing of cooperative working arrangements by written agreements may be avoided. The Bureau will therefore when necessary seek such cooperative working arrangements on such basis as will assure prompt field reports of cases and necessary supplementary information. Formal working agreements will be limited to situations in which cooperative effort is not feasible.

(b) Reports of injury or death should be filed, as provided by § 61.8, by the employer of the injured or deceased person, or the insurance carrier for such employer. The report of injury may be submitted on Form US-202, the employer's report of injury. This form should be accompanied by Form US-204, attending physician's report, together with the employee's notice of injury and claim for compensation (upon a form which is provided for under these regulations). In case of death, Form US-261, supplemental report of employer in death case, should accompany the other forms. The numbered forms referred to are those formulated by the Bureau for use under the Longshoremen's and Harbor Workers' Compensation Act. In order to avoid confusion with administration of such Longshoremen's Act there should be written or stamped at the top of such forms, in large letters, the words "War-Injury Claim". The employer's report should also contain the symbol or code number of the Government contract involved and reference to the Department or agency making such contract.

(c) Where facilities are established at field locations for the assembling and transmission of reports of injury or death in normal industrial accident cases, reports under these regulations should be sent by employers or insurance carriers to the Bureau or its representative as provided by § 61.8. These reports may be transmitted through any field representative of a department or agency of the United States handling reports of

injury cases in the particular area. Employers, insurance carriers, and such Government representatives concerned should investigate immediately the circumstances of any reported injury or death where the facts relating to the occurrence of alleged injury or death, or to alleged war-hazard as the cause, are questionable or not fully known to the employer or to such field representative of the United States. A full report of any such investigation should accompany other reports transmitted to the Bureau or its representative. Particular attention in all cases should be given to obtaining and transmitting written statements of available witnesses (with their names and addresses) in every case in which there is likelihood of a claim for compensation for disability or death.

(d) Where an employee specified in section 101 (a), Title I, of such Public Law, is found to be missing, or has been taken by an enemy, or otherwise is absent, as specified in section 101 (b) of such title, the employer should immediately report such absence, with fullest details, to the nearest representative of the United States authorized to receive such report, with the request that such report, together with any supplementary official reports relative thereto, be transmitted promptly to the Department or agency of the United States requiring such reports or having charge over projects or work places. These regulations contemplate that all reports relative to persons absent as specified in section 101 (b) of such title will be received by the Bureau from the Department or agency of the United States concerned, rather than directly from the employers or field representatives of such departments or agencies. Such department and agencies, in transmitting information and reports with respect to such missing persons, if authorized so to do, should state a definite conclusion upon the status of the persons, as the conclusion of the principal Government agency concerned will be accepted by the Bureau as prima facie evidence of the status of such persons for the purpose of providing benefits for detention. In any case of doubt concerning the filing of such reports, the Bureau may be sufficiently advised by the employer or field representative of the Government, and the Bureau in such cases will secure such information from the proper Government agency as is necessary to determine the status of such persons. All com-

pleted case records relating to such missing persons will be filed, and the files maintained, at the principal office of the Bureau at Washington, D. C. To the extent that it is practicable, the processing and adjudication of claims for detention benefits will be made by the Bureau at such principal office. The filing, processing and adjudication of war-risk injury and death claims is provided for by § 61.9.

§ 61.8 Filing of reports of injury and death.

(a) Reports of injury and death with respect to war-risk hazards, provided for by § 61.7, may be filed:

(1) With the deputy commissioner of the Bureau administering the act of August 16, 1941, as amended (referred to in section 101 (a), Title I of such Public Law), or any sub-office of such deputy commissioner, if the injury or death occurred within the compensation district or jurisdictional area of such deputy commissioner.

(2) With such officer or agent of the United States, or other person designated by the Bureau, by administrative order, pursuant to the provisions of section 42 of such act of September 7, 1916 (as amended by the act of July 29, 1942), or pursuant to the provisions of section 106 (b), Title I, of such Public Law, if serving under such designation in the locality in which the employee was employed or the injury occurred.

(3) With the principal office of the Bureau at Washington, D. C., whenever doubt exists as to proper place at which to file such reports.

(b) The Bureau will, whenever practicable, with respect to projects and work places within the purview of Title I of such Public Law, advise the Department or agency of the United States, or the contractor, employer or other person concerned, with respect to the nearest available facility (existing or to be established), as provided for in paragraph (a) of this section, for the filing of such reports.

§ 61.9 Claim filing, processing, and adjudications.

(a) Claims for compensation, for injury or death arising as the result of such war-risk hazards, may be filed as follows:

(1) With the deputy commissioner, or officer or agent of the United States or other designated person, to whom report

of the injury or death has been sent, as provided for by § 61.8.

(2) With any deputy commissioner of the Bureau under the Longshoremen's and Harbor Workers' Compensation Act, or that act as extended by other acts.

(3) With the principal office of the Bureau at Washington, D. C.

Claims filed at places to which reports of injury have not been sent should be transmitted immediately to the proper deputy commissioner, or designated person, as may appear from the claim, or such claims may be sent to the Bureau for further transmission, if doubt exists as to proper filing place.

(b) Claims for detention benefits provided under section 101 (b), Title I, of such Public Law shall be filed with the Bureau at such principal office. Such claims may be filed with any deputy commissioner, or designated person, authorized in paragraph (a) of this section to receive claims for injury or death due to war-risk hazards, and any claims so received shall be deemed and considered as having been filed with the Bureau for the purpose of tolling any time limitation provision applicable to such claims but any such claims so filed shall be transmitted immediately to the Bureau at its principal office for adjudication.

(c) Claims for compensation for such injury or death, and compensation cases, shall be processed as follows:

(1) By deputy commissioners, authorized by § 61.8 (a) to receive reports of injury or death.

(2) By such officers or agents of the United States, or other designated persons, authorized by § 61.8 (a) to receive reports of injury or death, to the extent authorized by administrative order or by administrative instructions issued by the Bureau.

(3) By the Bureau at its principal office.

The term "processed" as used in this paragraph means:

1. Receiving, assembling, and filing reports of injury and death, medical reports, reports of investigation and other papers relating to cases of injury or death (under such instructions as to numbering of cases, method of filing, disposition, etc. as the Bureau may from time to time prescribe by administrative instructions issued to its authorized representatives);

2. Making of investigations and securing necessary supplementary information in connection with cases or claims for completion of records, such as may be deemed necessary by such representative, or as may be neces-

sary to comply with administrative instructions;

3. Obtaining medical examinations in disability cases where deemed necessary or required by administrative instructions;

4. Arranging for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases;

5. Examination and adjustment of claims for compensation in injury and death cases under Title I of such Public Law, and, under administrative instructions, awarding of compensation;

6. Preparation of vouchers for disbursement of compensation for injury or death, under administrative instructions;

7. Review of cases for readjustment of compensation in injury and death cases, and making supplemental awards or adjustments, under administrative instructions.

The authority of deputy commissioners, and other designated persons, referred to under subparagraphs (1) and (2) of this paragraph shall include, without further authorization, authority to act and proceed as stated in clauses 1, 2 and 3, under the above definition of the term "processed".

The authority of deputy commissioners, referred to under subparagraph (1) of this paragraph shall include authority to act and proceed as stated in clauses 1 to 7, inclusive, under such definition of the term "processed", subject to such administrative instructions as the Bureau may from time to time issue to them.

The authority of officers or agents of the United States, or other designated persons, referred to under subparagraph (2) of this paragraph, with respect to action under clauses 4 to 7, inclusive, will be exercised only as extended by the Bureau in administrative orders issued, respectively, to them.

(d) Authority to process claims as set forth in paragraph (c) of this section may be modified from time to time to expedite administration and payment of claims. The Bureau maintains full and complete authority over the processing of claims, and may from time to time complete such processing at its principal office, or direct other and different handling of claims, as in its opinion circumstances may warrant. When any case involving disability or death has been adjudicated and payments are likely to continue at a rate not subject to change, such case may be transferred to the Bureau in accordance with administrative instructions relative to the disposition of such cases.

(e) Cases processed otherwise than by the Bureau at its principal office shall be subject to review and modification, if necessary, by the Bureau, either on its own motion or on application by a party in interest, under such administrative instructions as the Bureau may from time to time issue. Any person aggrieved by the action of a field representative of the Bureau may in writing apply directly to the Bureau at such principal office for such review, stating fully the basis upon which such review is sought.

(f) In all cases where responses to questions upon claim forms, or investigations or inquiries, disclose that the right to compensation may be barred by a provision in Title I or Title II of such Public Law, or a credit, deduction, or adjustment of benefits may be necessary because the claimant has received or is entitled to receive payments from some other source, which are required to be taken into account, payment of compensation shall not be made until the facts in respect thereto have been submitted to the Bureau and advice obtained with respect to the adjudication of such claim.

(g) Reports of injury or death, claims for compensation, and other papers, erroneously filed and not processed may be transferred, without further authority, to the proper representative of the Bureau. Cases which have been processed, as defined, may be transferred from one compensation district to another, or to any designated person referred to in paragraph (c) (2), of this section, after approval of such transfer by the Bureau. Requests for transfer may be made by letter to the Bureau stating the necessity for such transfer.

(Sec. 18, 39 Stat. 746; 5 U.S.C. 8121)

§ 61.10 Delegation of powers and duties.

(a) Pursuant to the authority contained in section 106 (b), Title I, of such Public Law, the Bureau delegates:

(1) To deputy commissioners of the Bureau, and to persons acting for such deputy commissioners, as referred to in § 61.8 (a) (1); and

(2) To officers or agents of the United States, or other persons, designated by the Bureau, as referred to in § 61.8 (a) (2), but only to the extent of their authority to act and process claims as set forth in these regulations and in administrative orders;

such of its powers and duties as are necessary in the processing of claims for injury or death under such Public Law,

within the meaning of the term "processed" as defined in § 61.9. Such delegation includes authority to do all things authorized by such Public Law and the applicable provisions of other laws integrated therewith, to the extent of the authority herein contained. In exercising such powers or performing such duties, the persons or agencies so authorized shall act for and on behalf of the Bureau.

(b) When the exercise of a power or performance of a duty is not clearly within the authority of this section, in advance of the exercise, or performance thereof, advice shall be obtained from the Bureau with respect thereto.

§ 61.11 Reports by employees and dependents.

(a) By administrative instructions, the Bureau will designate such reports, and the form thereof, as shall be required of persons entitled to benefits for disability under Title I of such Public Law, such as reports of recurrence or termination of disability, of employment and earnings, and of any other facts materially affecting such person's right to compensation. For the purpose of implementing this regulation the provisions of §§ 1.6, 1.9, 1.10, and 1.11 of this chapter, so far as not inapplicable, shall be applied.

(b) By administrative instructions, the Bureau will designate such reports, and the form thereof, as shall be required of a dependent entitled to death benefits, or compensation for death, under Title I of such Public Law, such as report of death, claims for continuance of compensation on account of death, report of change of status of beneficiary, and other reports of facts materially affecting the right of such dependent to benefits. For the purpose of implementing this regulation the provisions of §§ 1.12, 1.14, 1.15, and 1.16 of this chapter, so far as not inapplicable, shall be applied.

§ 61.12 Furnishing of medical treatment.

(a) All medical services, appliances, drugs, and supplies which in the opinion of the Bureau are necessary for the treatment of an injury coming within the purview of section 101 (a), Title I of such Public Law shall be furnished to the same extent, and wherever practicable in the same manner and under the same conditions as are

prescribed in section 9 of such act of September 7, 1916, as amended. All provisions of such act with respect to treatment, medical examinations, and payment of cost of transportation and expenses incident to such treatment or examinations, shall apply in cases of such injury.

(b) The regulations in Part 2 of this chapter, which govern the furnishing of medical treatment under such act of September 7, 1916, as amended, shall in so far as not inapplicable, and to the extent not modified in this section, apply with respect to the administration of paragraph (a) of this section.

(c) Where persons specified in § 61.1 are entitled to or may receive medical, surgical, hospital and other treatment, services, and care either by use of local facilities made available by a department or agency of the United States, or use of local or other facilities made available by contractors or other employers, such facilities may be used in lieu of the furnishing of such treatment, services and care under the provisions of this section, to the extent that provision has been made therefor. Upon termination of such treatment, services or care, a complete record of the injury and treatment furnished (prepared in the manner prescribed in § 2.10, of this chapter) should be filed in the same manner as is provided in §§ 61.7 and 61.8, so that such report may be included in the file containing the report of injury.

(d) Where medical, surgical or hospital treatment or care is necessary in any case coming within the purview of Title I of such Public Law, and it is not practicable to provide for such treatment or care in a manner consistent with the regulations in Part 2 of this chapter, or where such treatment or care is not otherwise available through use of such facilities as are referred to in paragraph (c) of this section, and in cases of an emergency nature or cases involving unusual circumstances, initial treatment or care may be furnished by the use of such facilities as may be available under the circumstances, and immediate report thereof should be made to the proper deputy commissioner or designated person authorized to receive reports of injury under § 61.8. Upon receiving such report such deputy commissioner or designated person shall make such further arrangements as may be necessary and as are practicable to have such treat-

ment or care continued in conformity with paragraph (b) of this section.

(e) The following, other than the Bureau, without further authorization, have general authority to provide for the furnishing of medical, surgical, hospital and other treatment and care, including transportation and expenses thereof and physical examinations, as provided by such act of September 7, 1916, as amended, and under these regulations, provided the case is one within the jurisdiction of, or which has been transferred to, such person for processing:

(1) A deputy commissioner of the Bureau administering the act of August 16, 1941, as amended, or the person acting for the deputy commissioner.

(2) An officer or agent of the United States, or other person, designated by the Bureau, by administrative order, referred to in § 61.8 (a) (2), if serving under such designation in the locality in which the employee was employed or injury occurred, and if otherwise authorized to arrange for such treatment.

(f) The following, without further authorization, have limited authority to authorize limited medical treatment and care, as provided for by paragraph (d) of this section, pending authorization of further treatment and care by the Bureau or by a person referred to in paragraph (e) of this section:

(1) Any person referred to in § 61.8.

(2) The employing contractor, subcontractor, or subordinate contractor, or his superintendent in charge or compensation representative, including the representative of the insurance carrier for any such employer.

(3) Any Government field representative, referred to in § 61.7 (c).

Immediate report of medical treatment or care authorized hereunder should be submitted as provided in § 61.7 (c), and the physician or hospital furnishing the same should be advised that further treatment or care is subject to authorization, direction and control by an authorized representative of the Bureau provided by this part.

(g) Orthopedic or prosthetic appliances, such as artificial eyes, limbs, or removable denture will be provided only after approval by the Bureau. Section 2.9 of this chapter shall apply with respect to such appliances.

§ 61.13 Medical forms.

(a) Persons having general authority under this subchapter to request medical, surgical, hospital, and other treatment or care, will use the forms provided for by Part 2 of this chapter, relating to furnishing of medical treatment under such act of September 7, 1918. These forms will be furnished, or supplied upon request, with administrative instructions relating to their use. There should be written or stamped at the top of such forms, in large letters, the words "War-Injury Claim."

(b) Persons having limited authority under this subchapter to request such treatment and care should use such forms, if available; otherwise, such request may be made by letter, addressed to the person or hospital furnishing the services, of which a copy will be retained and transmitted to the representative of the Bureau to whom report of injury is sent. Such letter should advise the physician as provided in § 61.12 (f).

§ 61.14 Transportation of recovered bodies of missing persons.

(a) In the case of death of a person coming within the purview of section 101 (b), Title I, of such Public Law, and § 61.1, while such person is missing or absent as therein specified, and his body is thereafter recovered, the body of such person shall, in the discretion of the Bureau, and if so desired by his next of kin, his near relative, or legal representative, be embalmed and transported in a hermetically sealed casket or other appropriate container to the home of the deceased, or to such other place as may be designated by such next of kin, near relative, or legal representative. In the case of any such person missed from the place of his employment, due to belligerent action of an enemy, or taken by an enemy (as specified in section 101 (b) (1) (A) and (B) of such Public Law), such preparation and transportation may be authorized: *Provided*, That at the time of death (not resulting from a war-risk hazard) such person had not been repatriated. The term "repatriated" as used in this section, with respect to such person shall be deemed to mean returned to the United States or country of his residence or domicile. A person shall be deemed to have been repatriated within the meaning of this paragraph upon his having returned to continental United States (or Alaska or Canada) if his last

residence or domicile was there, upon his return to the Territory or possession of the United States wherein he last maintained residence or domicile, or upon return to the country (or possession of such country) wherein he last maintained residence or domicile. In case of the death of such person after such repatriation, where death is due to war-risk hazard and occurred away from his home, such preparation and transportation shall be provided and the body shall be delivered to the home of such person or to such other place as may be designated by such next of kin, near relative or legal representative. No expenses may be incurred under this section after transportation and delivery of the body has been accomplished. Funeral or other expenses in connection with burial are not provided for hereunder and are not payable with respect to the disposition of the body of such person, unless the death resulted from war-risk hazard, in which event the provisions of § 61.15 relating to such expenses are also applicable.

(b) In the case of any such person who is not returned to his home or to the place where he was employed, by reason of the failure of the United States or its contractor to furnish transportation (where the furnishing of such transportation was an obligation of the United States or such contractor), and the death of such person occurs away from his home and while thus absent, the provisions of paragraph (a) of this section shall apply, except that such person shall not be deemed to have been repatriated until he has returned to his home or to the place where he was employed. In determining benefits accruing to such person not returned because of such failure of transportation, under the provisions of section 101 (b), Title I, of such Public Law, and § 61.1 (b), such person shall be regarded as totally disabled until the date he has returned to his home or to the place of his employment: *Provided*, That in the event such person falls, refuses, or neglects to return to his home or to the place of his employment after he has been afforded opportunity to do so, compensation accruing under such section 101 (b), on account of such absence, shall cease to accrue as of the date when he might otherwise have departed for home or place of employment, and, should death thereafter occur, the provisions of paragraph (a) of this sec-

tion shall not be applied in his case, unless the Bureau shall find that refusal to return was justified.

§ 61.15 Burial expenses.

(a) When the death of a person specified in section 101(a), Title I, of such Public Law, and § 61.1(a), results from an injury proximately caused by a war-risk hazard, the Bureau may in its discretion pay reasonable burial expenses in an amount not to exceed \$200 as provided by section 9 of such Longshoremen's and Harbor Workers' Compensation Act: *Provided*, That if any part of the burial expense has been paid by any other agency of the United States, or by any person under obligation to discharge burial expenses, payment hereunder shall not exceed the difference between the amount so paid and \$200, if the expense is actually incurred. Payment will be made (1) direct to the undertaker, (2) to the estate of the deceased if the estate is obligated to make payment, or (3) to any person who has paid such burial expenses and is entitled to such reimbursement.

(b) In case of death of such person whose home is within the United States, and death resulted from injury proximately caused by a war-risk hazard and occurred away from his home, or outside the United States, and if so desired by his relatives, the body shall, in the discretion of the Bureau, pursuant to section 11 of such act of September 7, 1916, be embalmed and transported in a hermetically sealed casket to the home of the employee, and the reasonable and necessary expenses of such embalming and transportation shall be in addition to the amount, if any, allowed for burial expenses under paragraph (a) of this section. The term "United States" as used in this paragraph shall mean continental United States, or any Territory or possession of the United States.

§ 61.16 Persons authorized to provide preparation of body, transportation and burial expenses.

(a) Incurring and paying of expenses for embalming and transportation of bodies, and funeral and burial expenses, as provided under §§ 61.14 and 61.15, is authorized with respect to the following:

(1) Deputy commissioners, and persons acting for such deputy commissioners, authorized by § 61.8 (a) (1) to receive reports of injury or death, if the case is within the jurisdiction, for processing, of such deputy commissioner.

(2) Officers or agents of the United States, or other person designated by the Bureau, authorized by § 61.8 (a) (2) to receive reports of injury or death, if authorized by administrative order, and jurisdiction with respect to the case otherwise exists under administrative order.

(3) The Bureau at its principal office.

(b) Persons authorized under paragraph (a) of this section to provide for preparation and transportation of bodies, and payment of burial expenses, will exercise such authority only in cases of death from war-risk hazard which arise within the area in which they represent the Bureau. If deaths from such cause occur within their respective jurisdictions in cases which are subject to processing by a representative of the Bureau in another area, the Bureau's authorized representative in that area should be informed immediately in order that he may give advice with respect to the disposition of the remains; if this is impracticable, the Bureau at its principal office may be informed directly in order that it may furnish proper advice. Full information should be given by the representative seeking such advice, showing the basis for the application of such benefits in the particular case. In cases of detained persons, where such cases are within the purview of section 101 (b) (1) and (3), Title I, of such Public Law, and § 61.14, authority to incur expense for preparation and transportation of bodies is subject to prior approval by the Bureau, which should be requested immediately, and all payments for such services will be made by the Bureau.

(c) Where circumstances in particular cases prevent compliance with the regulations in this section and prevent timely receipt of authority to prepare or transport remains, and in cases of an emergency nature, the following, without further authorization, shall have authority to incur reasonable and minimum necessary expenses of embalming (or other necessary preparation of remains), of providing appropriate container, and of transportation of the body, of any person whose death occurs under circumstances giving rise to the application of the provisions of such Public Law and these regulations relating to preparation and transportation of bodies:

(1) Any person referred to in § 61.8.

(2) The employing contractor, sub-contractor, or subordinate contractor, or his superintendent in charge or compensation representative, including the representative of the insurance carrier for any such employer.

(3) Any Government field representative, referred to in § 61.7 (c).

(d) Immediate report of the services obtained should be made as provided in § 61.7 (c) to the proper representative of the Bureau in cases of death due to war-risk hazard, and a copy of such report should be transmitted to the Bureau. In cases of deceased detained persons, such report should be made directly to the Bureau at its principal office. Vouchers for direct payment of expenses incurred under this paragraph or for reimbursement of such expenses paid, will be submitted to the Bureau for audit and payment.

§ 61.17 Transportation of persons released from detention and return of employees.

(a) Upon application of a person specified in section 101(b), Title I, of such Public Law, and § 61.1(b), who no longer is in the custody of the enemy, or upon application of someone on behalf of such person, the Bureau may furnish transportation or the cost thereof (including reimbursement) to any such person from the point where his release from custody by the enemy is effected, to his home, the place of his employment, or other place within the jurisdiction of the United States. No transportation, or the cost thereof, shall be furnished where such person is furnished such transportation, or the cost thereof, under any agreement with his employer or under any other provision of law.

(b) Applications for such transportation, or authority to incur expense therefor (to be paid by reimbursement), shall be made directly to the Bureau at its principal office, or may be transmitted to the Bureau for the applicant by any person referred to in § 61.8, any Government contractor, sub-contractor, or subordinate contractor, or any officer or employee of the United States, or Government field representative. Such applications shall set forth the full name of the person for whom such transportation is sought, together with his home address and his local address at which communications sent to him may be received (if application is made on be-

half of such person, the application should also state the full name, address and relationship of the individual applying); the name, and address of the employer of such person; the symbol or code number of the contract under which the employee was employed, if known; the date, place, and circumstances of capture or detention, and the date, place and circumstances of release; the present physical condition of such person and whether he is able to return to work; and a statement whether transportation or the cost thereof has been claimed or received under any agreement with his employer or under any other provision of law. Such application should be sworn to before any person authorized to administer oaths. The applicant is required to state in the application the place to which transportation is sought and to identify such place, such as his home, the place of his employment, etc. Transportation authorized under this section and necessary subsistence en route (if not included in the price of passage), so far as practicable shall conform with and be subject to the Standardized Government Travel Regulations, and shall conform with such administrative instructions as the Bureau may from time to time issue with respect thereto.

(c) Transportation, or the cost thereof, may be furnished under this section to such person as follows: (1) to the place of actual employment or work, if missing from such place, and if physical condition permits reemployment and such employment is available; or (2) if return to such work place or place of employment cannot be accomplished: (i) to the home of such persons, (ii) to the place where he was employed, or (iii) to any place designated in the application if the costs incident to transportation to such place do not exceed the cost of transportation to the person's home or place where he was employed.

(d) Where an employee is not returned to his home or to the place where he was employed, by reason of the failure of the United States or its contractor to furnish transportation (where the furnishing of such transportation was an obligation of the United States or such contractor) and where no detention by an enemy is involved, such employee may apply to the Bureau for transportation, subject to the provisions of this section.

(Sec. 101, 56 Stat. 1028; 42 U. S. C. 1701)

§ 61.18 Confidential nature of records and papers relating to injury, death or detention of employees.

(a) All records, medical and other reports, statements of witnesses, and other papers relating to the disability, death, or detention of any persons coming within the purview of Title I of such Public Law, are the official records of the Bureau and are not records of the agency, establishment, Government department, employer, or any individual making or having the care of such records. Such records and papers pertaining to any such injury, death, or detention are confidential and no official or employee of the United States, or other person, who has investigated or secured statements from witnesses and others pertaining to any case within the purview of Title I of such Public Law, or any person having the care or use of such records and papers, shall disclose information from or pertaining to such records to any person, except upon written approval of the Bureau, or except as otherwise provided for by these regulations.

(b) Any person having any such record or paper shall assume no control over same nor shall such person be vested with any discretion relative to the production of same in court, as such discretion shall remain in the Bureau to whose business such records appertain. Any such person is prohibited from presenting such records or information in court, whether in answer to a subpoena duces tecum or otherwise. When a subpoena shall have been served upon such person, he shall appear in court and respectfully decline to present such records or papers or to divulge the information called for, basing his refusal upon this regulation and upon the fact that such person is not the custodian of such records or papers.

(c) Information with respect to any matter necessary for the official purpose of any department, agency, or other establishment of the United States may be disclosed upon a showing that the information will be used exclusively for such official purpose.

§ 61.19 Inspection of records by interested party.

Any party in interest may be permitted to examine the record of the case in which he is such party. The Bureau or its duly authorized representative shall be the judge of the reasonableness of any such request, and may, in its or his

discretion, permit inspection of such record or part thereof which will not result in damage or harm to any person, or which will not be inimical to the interests of the Bureau or the interests or safety of the United States. Original records shall not be removed for such purpose from the office wherein they are kept.

§ 61.20 Approval of claims for legal and other services.

(a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation under Title I, of such Public Law, to or on account of any person shall be valid unless approved by the Bureau or its duly authorized representative; and any claim so approved shall in the manner and to the extent fixed by the Bureau or its duly authorized representative, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under such Title I shall be liable upon conviction for such offense to the penalty provided in section 204, Title II, of such Public Law.

(b) Persons representing the Bureau, who are authorized to process claims under clauses 1 to 7, inclusive, of the term "processed" as defined in § 61.9, are without further authorization, authorized to approve reasonable fees for services under this section.

(c) No contract for a stipulated fee or for a fee on a contingent basis will be recognized, and no fee for services shall be approved except upon application for such approval, supported by a sufficient statement of the extent and character of the necessary work done on behalf of the beneficiary. Except where the beneficiary was advised that such representation would be rendered on a gratuitous basis, the fee approved shall be reasonably commensurate with the actual necessary work performed by such representative, with due regard to the capacity in which the representative appeared, the amount of compensation involved, and the circumstances of the beneficiary.

§ 61.21 Assignments; creditors.

The right of any person to benefits under this subchapter and the applicable provisions of Title I of such Public

Law, pursuant to section 207 thereof, is not transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid as reimbursement for funeral expenses), or rights existing under such title, are subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

§ 61.22 Contracts for service facilities of insurance carriers.

(a) Under the provisions of section 106(a) of such Public Law the Bureau is authorized to contract with insurance carriers for the use of the service facilities of such carriers for the purpose of facilitating administration. The Bureau under this authority may enter into contracts for the use of service facilities which may be available and can be utilized in the processing of claims arising directly under section 101 and under section 104, Title I of such Public Law.

(b) Contracts for the use of service facilities will be arranged directly with insurance carriers or carrier groups as the Bureau finds to be necessary to facilitate administration.

(c) Compensation for the use of service facilities shall be based upon the services rendered for the Bureau with reimbursement for such items of claims expense (see § 62.6 of this subchapter) as may be necessarily incurred or authorized by the Bureau, unless the service charge agreed upon includes all items of the carriers expense. The compensation for services shall be such amount as the Bureau and the carrier shall agree upon as reasonable for services rendered.

PART 62—REIMBURSEMENT OF EMPLOYERS, INSURANCE CARRIERS, OR COMPENSATION FUNDS

Sec.

- 62.1 General reimbursement provisions.
- 62.2 Claims for reimbursement.
- 62.3 Approval of claims.
- 62.4 Examination of records of claimant.
- 62.5 Reimbursement of claims expense.
- 62.6 Claims for reimbursement of claims expense.
- 62.7 Same; approval of claims.
- 62.8 Direct payment of benefits.

AUTHORITY: The provisions of this Part 62 issued under sec. 106, 56 Stat. 1038; 42 U.S.C. 1706, unless otherwise noted.

SOURCE: The provisions of this Part 62 appear at 8 F.R. 6811, May 25, 1943, unless otherwise noted.

§ 62.1 General reimbursement provisions.

(a) Where any employer or his insurance carrier or compensation fund pays or is required to pay benefits:

(1) To any person or fund on account of injury or death of any person coming within the purview of Title I of Public Law No. 784, 77th Congress, entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942, or of Public Law No. 208, 77th Congress, extending the Longshoremen's and Harbor Workers' Compensation Act to certain persons employed at military, air, and naval bases, and upon Federal public works, outside the continental United States, approved August 16, 1941, as amended, if such injury or death arose from a war risk hazard (as defined in section 201 (b), Title II of such Public Law No. 784), which are payable under any workmen's compensation law of the United States or of any State, Territory, or possession of the United States, or other jurisdiction.

(2) To any person by reason of any agreement outstanding on the date of enactment of such Public Law No. 784 (such date being December 2, 1942) made in accordance with a contract between the United States and any contractor therewith (including any subcontractor or subordinate contractor with respect to the contract of such contractor), (i) to pay benefits with respect to the death of any employee of such contractor occurring under circumstances not entitling such person to benefits under any workmen's compensation law, or (ii) to pay benefits with respect to the failure of the United States or its contractor to furnish transportation, upon the completion of the employment of any employee of such contractor, to his home or to the place where he was employed.

(3) To any person by reason of an agreement approved or authorized by the United States under which a contractor with the United States has agreed to pay workmen's compensation benefits or benefits in the nature of workmen's compensation benefits to an injured employee or his dependents on